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FIFTY-EIGHTH LEGISLATURE

**FIFTY-FOURTH LEGISLATIVE DAY
FRIDAY, MARCH 3, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Malepeai, absent and formally excused by the Chair; and Senators Burkett, Cameron, and Stegner, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Denise Evans, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

President Risch assumed the Chair.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 2, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Stegner was recorded present at this order of business.

March 3, 2006

The JUDICIARY AND RULES Committee reports that **S 1423, S 1424, S 1425, S 1426, S 1427, S 1428, SJM 119, SCR 125, SCR 126, and SCR 127** have been correctly printed.

DARRINGTON, Chairman

S 1423 was referred to the Health and Welfare Committee.

S 1424 was referred to the State Affairs Committee.

S 1425 and **S 1428** were referred to the Judiciary and Rules Committee.

S 1426 and **S 1427** were referred to the Education Committee.

SJM 119, SCR 125, SCR 126, and SCR 127 were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 2, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1264** was delivered to the Office of the Governor at 2 p.m., March 2, 2006.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 2, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 123** was delivered to the Office of the Secretary of State at 1:52 p.m., March 2, 2006.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 2, 2006

The JUDICIARY AND RULES Committee reports that **S 1315** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1315** and ordered it transmitted to the House for the signature of the Speaker.

March 2, 2006

The AGRICULTURAL AFFAIRS Committee reports out **H 411** with the recommendation that it do pass and with an amended Statement of Purpose attached.

WILLIAMS, Chairman

H 411 was filed for second reading.

March 2, 2006

The AGRICULTURAL AFFAIRS Committee reports out **HJM 12, H 490, H 493, and H 410** with the recommendation that they do pass.

WILLIAMS, Chairman

HJM 12 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 490, H 493, and H 410 were filed for second reading.

March 3, 2006

March 2, 2006

The HEALTH AND WELFARE Committee reports out **SCR 124** with the recommendation that it do pass.

COMPTON, Chairman

SCR 124 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 2, 2006

The TRANSPORTATION Committee reports out **H 463**, as amended, **H 603**, and **H 608** with the recommendation that they do pass.

BRANDT, Chairman

H 463, as amended, **H 603**, and **H 608** were filed for second reading.

March 2, 2006

The EDUCATION Committee reports out **H 547** with the recommendation that it do pass.

GOEDDE, Chairman

H 547 was filed for second reading.

March 2, 2006

The EDUCATION Committee reports out **S 1241** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, **S 1241** was referred to the Fourteenth Order of Business, General Calendar.

March 1, 2006

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Idaho Fish and Game Commission appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Marcus Gibbs to the Idaho Outfitters and Guides Licensing Board, term to expire August 30, 2008.

SCHROEDER, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 497** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 497** was referred to the Fourteenth Order of Business, General Calendar.

March 3, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 559, H 685, H 590, and H 475** with the recommendation that they do pass.

BUNDERSON, Chairman

H 559, H 685, H 590, and H 475 were filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Cameron was recorded present at this order of business.

March 2, 2006

Mr. President:

I transmit herewith **H 673, H 694, H 695, H 686, H 687, and H 545** which have passed the House.

JUKER, Chief Clerk

H 673, H 694, H 695, H 686, H 687, and H 545 were filed for first reading.

March 2, 2006

Mr. President:

I transmit herewith Enrolled **HJM 16** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HJM 16** and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Stegner, granted by unanimous consent, **HCR 40** retained its place on the calendar for one legislative day.

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Scott Farr was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Burtenshaw, seconded by Senator Stennett, the Gubernatorial appointment of Scott Farr as a member of the Idaho Outfitters and Guides Licensing Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senator Burkett was recorded present at this order of business.

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Jim Kempton was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Little, seconded by Senator Stennett, the Gubernatorial appointment of Jim Kempton as a member of the Northwest Power and Conservation Council was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **HCR 41** was before the Senate for final consideration.

Moved by Senator Werk, seconded by Senator Compton, that **HCR 41** be adopted, the question being, "Shall the resolution be adopted?"

The President announced that the Senate, by voice vote, had failed to adopt **HCR 41** and ordered the resolution returned to the House.

The President announced that **HCR 32** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Marley, seconded by Senator Andreason, **HCR 32** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 33** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Marley, seconded by Senator Andreason, **HCR 33** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

H 673, H 694, and H 695, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

H 686 and H 687, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 545, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 471, H 461, H 444, as amended, **H 473, H 459, H 458, H 457, and H 483**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

S 1401, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 672, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1414 and S 1415, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

H 579, H 580, and H 581, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

H 708, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 534, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes and Senator Jorgenson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Malepeai. Total - 1.

Total - 35.

Whereupon the President declared **H 534**, as amended, passed, title was approved, and the bill ordered returned to the House.

S 1382, having previously been read the third time at length and debate having previously been opened, was before the Senate for final consideration. Senator Schroder arose as sponsor of the bill and reopened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Coiner, Compton, Darrington, Davis, Fulcher, Gannon, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stegner, Stennett, Werk. Total - 17.

NAYS--Broadsword, Burtenshaw, Cameron, Corder, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Sweet, Williams. Total - 17.

Absent and excused--Brandt. Total - 1.

Paired and voting included in roll call:

AYE - Malepeai NAY - Jorgenson

Total - 35.

A tie vote having resulted in the roll call, the President voted NAY, declared that **S 1382** had failed to pass the Senate, and ordered the bill filed in the office of the Secretary of the Senate.

S 1407 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Lodge and Jorgenson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Malepeai. Total - 1.

Total - 35.

Whereupon the President declared **S 1407** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 10 a.m., Monday, March 6, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary